

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT
OF WEST VIRGINIA

* * * * *

SCOTT T. BALLOCK,

*

Plaintiff

*

Case No.

vs.

*

1:17-CV-52

ELLEN RUTH COSTLOW

*

STATE TROOPER MICHAEL KIEF,

*

STATE TROOPER RONNIE M. GASKINS,

*

STATE TROOPER CHRIS BERRY,

*

Defendants

*

* * * * *

DEPOSITION OF
TROOPER CHRIS BERRY
May 29, 2019

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authorization by the certifying agency.

1 Q. So you came to Morgantown in 2013?

2 A. '12.

3 Q. '12.

4 A. Yes, sir.

5 Q. Do you know Ellen Ruth Costlow?

6 A. Yes.

7 Q. When did you first make the acquaintance of
8 Ellen Ruth Costlow?

9 A. I do not remember the exact date, but it was
10 around 2013 summertime. Maybe early spring.

11 I can't remember the exact date.

12 Q. At that time, she went by the name Ellen Ruth
13 Ballock?

14 A. Yes.

15 Q. Okay.

16 Tell me what you remember about your first
17 meeting with Ellen Ruth Ballock.

18 A. That day, whatever that date was, I was driving
19 through certain subdivisions, because we had a string of
20 vehicle break-ins. I remember it was a white vehicle,
21 possibly a Nissan, was the suspect vehicle. But we had a
22 rash string of break-ins going on.

23 And it all led back to this vehicle. And any
24 time I'm in neighborhoods or anything and I see people

1 out in their driveways or yards, I stop to talk to them.
2 Ellen was one of them.

3 Q. The address of the Ballock residence was 51
4 Summit Overlook Drive.

5 A. Okay.

6 Q. Which I understand is part of the Thistledown
7 Development.

8 A. Yes, sir.

9 Q. Okay.

10 So we're talking about the neighborhood that
11 overlooks the Interstate 79 near the Goshen Road exit.

12 A. Yes, sir.

13 Q. Okay.

14 So your first opportunity to meet Ellen Ballock
15 was late spring, early summer of 2013. You were cruising
16 the neighborhood and looking for a suspect vehicle.

17 You saw Ellen outside, stopped and spoke to
18 her?

19 A. Yes, sir.

20 Q. Okay.

21 Tell me, what did you discuss?

22 A. Just pretty much advised her of the situation
23 while I was there. And if she ever saw any suspected
24 vehicles driving through the neighborhood. I advised her

1 of the suspect vehicle, but we didn't have a plate number
2 for it.

3 And that if she would happen to see this
4 vehicle or suspect vehicle that matches the description I
5 gave her, to --- if she could get a plate, please let us
6 know.

7 Q. Sure.

8 Did she have any information for you?

9 A. No. She said she'd keep an eye out of it,
10 though, like anybody else would. I advised her to tell
11 her neighbors just heads up, everything.

12 Q. Okay.

13 Can you tell me what the next occasion was
14 whenever you next saw or communicated with Ellen Ballock?

15 A. Next time I saw her was referencing a --- well,
16 it was over a laptop that had to deal with her ex-
17 boyfriend.

18 Q. Stolen laptop, and the suspect was her ex-
19 boyfriend?

20 A. She referred to him as an ex-boyfriend.

21 Q. Are we talking about Kenny Ice?

22 A. Yes, sir, Kenny Ice.

23 Q. That'd be easier.

24 A. Yeah. But it wasn't actually --- she didn't

1 A. Yes, sir.

2 Q. How long?

3 A. Ten years.

4 Q. Kids?

5 A. Nope.

6 Q. So did you provide your cellphone number to
7 Ellen Ruth Ballock?

8 A. Yes, sir.

9 Q. You did?

10 A. Uh-huh (yes).

11 Q. Okay.

12 Why'd you do that?

13 A. I've always handed my cellphone number out to
14 people. It's one thing we'd done back in Charlestown as
15 State Police, when I was over in the Martinsburg,
16 Charlestown area.

17 Q. The cellphone number that you gave to Ellen
18 Ruth Ballock, was that a State Police phone or was that
19 your personal phone?

20 A. Personal phone.

21 Q. Okay.

22 Just to be clear about this. You guys don't
23 have West Virginia State Police issued telephones?

24 A. They can't afford that, no.

1 so ---.

2 Q. Okay.

3 You have a memory of being contacted by the
4 then Sergeant Kief?

5 A. Uh-huh (yes). Yes, sir.

6 Q. And during that contact, he --- what did he
7 have to say about all this? Just tell me what you
8 remember about that discussion.

9 A. I remember vaguely. But that was when I found
10 out about this whole affair thing.

11 Q. Okay.

12 A. And I just laughed about it, because I was
13 like, you kidding me? And when I saw him the next time,
14 he actually saw Ellen, too, but he looked, because he's
15 like, about the text messages.

16 And I showed him my phone and he --- I showed
17 him the text messages. I said, where on there does it
18 say we're having an affair?

19 And it showed all the stuff, so ---. That had
20 nothing to do with anything of an affair.

21 Q. So your discussion with Sergeant Kief was
22 person to person?

23 A. First it was a phone call. But next time when
24 I came into the detachment, we spoke more about it. The

1 Gaskins earlier today. And you probably know a lot more
2 now about the investigation you did than you did before
3 today?

4 A. Yes, sir.

5 Q. All right.

6 Can you tell me if you were ever consulted for
7 information or in any other fashion by then Corporal
8 Gaskins, in the course of his investigation?

9 A. No, sir.

10 Q. Okay.

11 Do you happen to know Scott Ballock, by any
12 chance?

13 A. No, sir. First time I actually ever saw or met
14 him was his deposition.

15 Q. Okay.

16 You know, just from the other depositions in
17 this case, that the West Virginia State Police and the
18 FBI, they collaborate on cases?

19 A. Yes, sir.

20 Q. Okay.

21 So comes my question, maybe you knew him from a
22 professional context or something?

23 A. No, I have never met him. I've actually never
24 even ---.